

ORDINANCE NO. 764

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO ALLOW THE CITY ADMINISTRATOR TO APPROVE CERTAIN LOT SPLITS THAT INVOLVE GOING BACK TO THE LOT BOUNDARIES SHOWN ON A RECORDED PLAT; PROVIDING FOR CODIFICATION; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the City of Mexico Beach, Florida, (the "City") enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, Chapters 163 and 166 of the Florida Statutes provide for the City to regulate zoning and development and implement its Comprehensive Plan through land development regulations; and

WHEREAS, Ordinance 761 amended the City's requirements and processes for lot combinations and lot splits; and

WHEREAS, subsequently the City determined that it would like to the City Administrator to be able to approve certain lot splits that involve splitting a combined lot back to the two originally platted lots, without any change to their boundaries; and

WHEREAS, the City's Planning & Zoning Board considered the revisions to the Land Development Code proposed by this Ordinance and has made recommendations to the City Council; and

WHEREAS, the City Council of Mexico Beach finds it prudent to adopt and does hereby adopt the amendments to the Land Development Code contained herein in order to encourage the most appropriate use of land.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH:

SECTION 1. Amendments to Land Development Code. The City of Mexico Beach hereby amends Section 3.07.00 and 3.08.00 of the Land Development Code as follows, with new text **bold and underlined** and deleted text ~~stricken~~:

3.07.00 SUBDIVISIONS, PLATTING, AND LOT SPLITS

Subdivision of property into three or more parcels requires plat approval by the City and recording of an approved plat or replat by the applicant in the Bay County Official

Records. This process consists of preliminary plat approval and final plat approval. Once the City has approved a preliminary plat, the applicant must secure a development order from the City prior to commencing development of the property. A final plat must be approved by the City Council prior to the sale of any subdivided property. The final plat must be formatted appropriately for recording, be materially similar to the preliminary plat, and conform to the requirements of Chapter 177, Florida Statutes.

A lot split that involves a parcel consisting of two lots, as shown on a validly recorded plat, being split back to the originally platted lots, without any change to their boundaries, may be approved by the City Administrator so long as the lot split would not result in either lot or the improvements located on them being in violation of the City of Mexico Beach Comprehensive Plan or Land Development Code. Other ~~A lot split applications shall be processed as described below referred to the Mexico Beach Planning & Zoning Board for a recommendation and may be approved by the City Council only. The City Council may approve a lot split upon finding that it is in the best interest of the City. Lot splits do not require recording of a formal replat.~~

All requests for a lot split, **except as provided above**, or subdivision of platted or unplatted property must be presented to the Planning and Zoning Board for recommendation and to the City Council of Mexico Beach for approval/disapproval. These requests must be submitted to the City Administrator for placement on the agendas for these meetings; all applications and plat documents must be submitted to allow adequate time for placement of required signs and written notifications to adjacent property owners. To qualify for a lot split or plat approval, any resulting lots must meet all the requirements of the City of Mexico Beach Comprehensive Plan and Land Development Codes and must conform to the physical characteristics of the neighborhood where located.

Lots created by lot split or subdivision of an existing lot in a platted or unplatted residential area zoned "Residential – General" or "Residential – Low Density" shall be no more than ten percent smaller than the median size of all other lots located in the subdivision, on the same street, or neighborhood, as originally platted in a recorded or unrecorded plat, and no less than the minimum lot size sufficient to meet all development design standards in this Code. If a subdivision was developed in phases, the median size of lots shall be determined by the lots in the phase affected by the proposed lot split or resubdivision.

No subdivision of property or lot split shall be platted or recorded for any purpose, nor shall parcels or lots resulting from such subdivision or lot split be sold or offered for sale unless such process and the resulting lots meet all of the requirements of this Land Development Code, the Comprehensive Plan, and other applicable regulations.

No final plat of any subdivision within Mexico Beach shall be filed or recorded by the clerk of the circuit court of the county until it shall have received subdivision approval

under the applicable provisions of this chapter and accepted by the Council. Evidence of such approval shall be placed on the plat prior to recording.

3.08.00 LOT COMBINATIONS

The combinations of two lots may be approved administratively by the City Administrator. Lot combinations involving the combination of three or more lots shall instead be reviewed pursuant to the process for a lot split. A survey will be required if any of the lots are described by metes and bounds. Structures may not be constructed that would overlap the boundary of a lot or violate any setback until a lot combination has been approved pursuant to this Section. Accessory structures may not be installed on a parcel that does not have a principal structure until a lot combination has been approved that results in a principal structure being on the combined lot. City Council approval is required to reverse a lot combination and shall be pursuant to the same procedure and notices required for a lot split **except as provided above regarding a lot split that involves a parcel consisting of two lots, as shown on a validly recorded plat, being split back to the originally platted lots without any change to their boundaries.**

SECTION 3. Codification. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Mexico Beach Land Development Code and the Mexico Beach City Code. Section numbers may be assigned and changed whenever necessary or convenient.

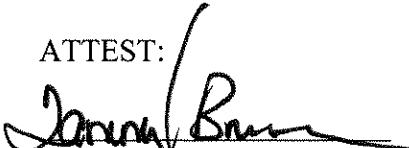
SECTION 4. Repeal. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinances and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.


SECTION 5. Survival. If any section, subsection, sentence, clause, phrase of this Ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon passage.

The above and foregoing Ordinance was introduced and had first reading at the meeting of the City Council on the ____ day of _____, 2021. PASSED, APPROVED AND ADOPTED at the meeting of the City Council of the City of Mexico Beach, Florida, this 13 day of _____, 2021.

ATTEST:


Tammy Brunson, City Clerk


William A. Cathey, Mayor